

BOLO

Be On the Lookout

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The Rules of a Gunfight (Part Two): The Miami Firefight

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By Mike Rayburn

Picking up from where we left off — if you haven't yet read part one of this two-part series, you really should check that out before reading on — let's look at one incident in order to fully understand the notion that in a gunfight you need to keep firing until the bad guy is down and no longer poses a threat.

One only needs to look at the FBI's Miami firefight involving Platt and Matix in 1986 to understand this hypothesis. Although critically wounded by a "fatal injury" in the initial exchange of gunfire, Platt was able to continue his rampage, killing Agents Dove and Grogan and wounding others.

Doctors would later say that even if Platt had suffered his injury on the operating table, he still would not have been able to survive, yet he was able to fight back, and this was done without any drugs or alcohol in his system.

From this incident we learned, or at least we should have learned, that we need to shoot multiple rounds and that we need to keep shooting until the bad guy no longer poses a threat.

Although the Miami firefight happened in broad daylight, most officer-involved shootings occur in low light. Even during daylight hours, officers face low-light situations inside of buildings and other areas.

For this reason, officers need to not only be trained in low-light shooting, but in low-light tactics as well. Standing on the firing line, turning your flashlight on and shooting a couple of rounds into the target just doesn't cut it. Officers need more.

Simple things like how to move in the dark without using your flashlight need to be taught. I learned how to move in the

dark back in 1977 when I was in the Army. All you have to do is pick your feet up a little higher by bringing your knees up a little higher.

It's a little slower, but you can walk over any terrain in the dark this way without using your flashlight. Wouldn't it be smarter to walk up on that residence where the domestic is occurring in the dark, versus giving your position away at the curb by turning your flashlight on?

When searching a building, another simple tactic to use is to turn on all of the lights. It takes the average person 40 minutes for their eyes to adjust to the level of light they're in. If you get an alarm activation in the middle of the night, whose eyes have had more time to adjust to the dark, your eyes or the bad guy who is already in the building?

Ever play hide-and-seek as a kid? What happened when someone turned the lights on? All of a sudden your great hiding spot wasn't so great anymore and you were forced to move, thereby making some noise or giving your position away by your movement. Any hunter will tell you it's a lot easier to spot a deer moving in the woods versus one that's standing still.

If you have to use your flashlight, use it sparingly. Imagine being the bad guy hiding upstairs and watching the officer's flashlight bounce with every step he takes on the stairs. It's not hard to figure out exactly when the officer will reach the top of the stairs if the flashlight is continuously kept on the entire time.

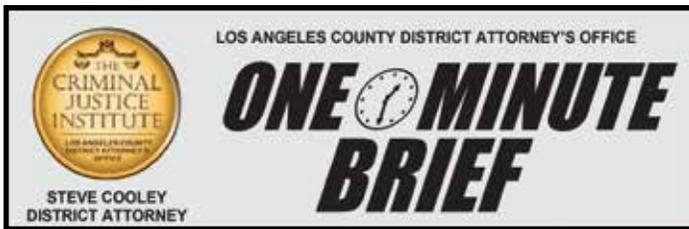
Turn the light on to see what you need to see and then turn it off to move, remembering to pick your feet up as you move.

Although there are no rules in a gunfight, there are simple things you can do to help prepare yourself for that fight of your life. Learn close-quarter skills like point shooting, learn how to shoot while moving and learn not only low-light shooting but low-light tactics as well.

Shoot multiple rounds, and above all else remember one thing: There are no rules in a gunfight!



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By: Devallis Rutledge **Topic:** New Laws for 2013

Below are summaries of some new Penal Code legislation effective January 1, 2013, affecting law enforcement and prosecutions. The full text of the statutes should be consulted for application.

PC § 29.4 (Renumbered) Former § 22 (voluntary intoxication does not negate capacity to commit a crime).

PC §§ 186.8, 236.7-236.12 (Amend/add) Provide for asset forfeiture where a human trafficking victim under 18 was involved in a commercial sex act.

PC §§ 236.1, .2 .4, 290, 290.12, .14, .15, .024 (Adds and amends) Increase some penalties for sex trafficking and impose registration requirements.

PC § 243.85 (Add) Professional sports facility must post visible notices of text and telephone numbers for reporting violence at the facility.

PC 273j (Add) Parents/guardians must report within 24 hours the death of a minor under 14 or an at-risk minor's disappearance. (Misdemeanor)

PC § 273.5(j) (Amend) Peace officer who arrests for DV need not inform the victim of the right to make a private person's arrest. (Same changes in PC § 836(b))

PC § 289.6(a)(2) (Amend) "Peace officers" are added to the category of officials forbidden to have sexual contact with arrestees and prisoners. (Misdemeanor/felony)

PC § 594.37 (Add) It's a misdemeanor to picket within 1 hour/300 feet of a funeral, unless on private property.

PC § 647.6 (Amend) Incarceration for felony child annoy/molest is changed from county jail to state prison.

PC § 653f(c) (Amend) Incarceration for solicitation of specified forcible sex crimes is changed from county jail to state prison.

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PC §§ 667-667.1 and 1170.12, .125, .126 (Adds and amends) Third “strike” must be a serious or violent felony with specified exceptions based on current offense or priors. Eligible third-strike prison inmates can petition for re-sentencing under the new law.

PC § 802(a) (Amend) Felonies punishable in county jail per “realignment” under PC § 1170(h) retain the felony statute of limitation.

PC § 836.6 (Amend) Felony-escape incarceration is changed from county jail to prison.

PC § 851.5 (Amend) As soon as practicable after arrest and no later than three hours (except where impossible), arresting or booking officer must ask the arrestee if s/he is a custodial parent of minors, must advise of the right to two extra phone calls for child care and must accommodate the calls. Signs must be posted. (Violation is a misdemeanor.)

PC §§ 1524(a)(12), 1534(b) (Amend) Provides for search warrants for installation and monitoring of tracking devices for up to 30 days (renewals possible). Tracker must be installed from 6 a.m. to 10 p.m. (unless night service authorized) within 10 days, can be monitored only in California and a copy of the warrant must be served on the target within 10 days after tracking ends (unless otherwise ordered by the magistrate).

PC § 13519.14(e) (Amend) All law enforcement officers assigned to investigative or field duties must complete two-hour POST training in handling human trafficking complaints within six months of assignment, or July 1, 2014, whichever is later.

PC § 21310 (Amend) Incarceration for carrying a concealed dirk or dagger on the person is changed from state prison to county jail.

PC § 21810 (Amend) Incarceration for possession, manufacture or transfer of metal knuckles is changed from state prison to county jail.

PC § 22210 (Amend) Incarceration for possession, manufacture or transfer of leaded cane, billy, blackjack, sandbag, sandclub, sap or slungshot is changed from state prison to county jail.

PC § 26400(a) (Add) It’s a misdemeanor to openly carry an unloaded long gun outside a vehicle in an incorporated city. Each firearm is a separate offense. PC § 26400(d)

PC § 33215 (Amend) Incarceration for possession, manufacture or transfer of short-barreled rifle or short-barreled shotgun is changed from state prison to county jail.

B&P § 21609.1 (Add) Recycler/salvage/junk dealers may not possess fire hydrants or connections, manhole covers or backflow devices owned by a public agency without written approval and must report receiving such commingled materials to police by the end of the next business day. Violation is a misdemeanor, per amended PC § 496e.

Evidence Code § 1161 (Add) (a) Evidence of a human trafficking victim’s commercial sexual activity is inadmissible to

prove the victim’s criminal activity. (b) Evidence of sexual history is inadmissible to impeach the trafficking victim in civil/criminal proceedings.

Family Code § 6389(c)(2) (Amend) A peace officer serving a protective order that indicates the respondent has firearms or ammunition must request the surrender of the firearms.

H&S § 11376.5 (Add) It “shall not be a crime” for either an overdose victim or others seeking medical assistance for the OD victim to possess for personal use or to be under the influence of drugs when medical aid is sought for the overdose. (Caution: In *Garden Grove v. Kha* (2008) 157 Cal.App.4th 355, the Court of Appeal ruled that due process required the City to return drugs seized from someone who lawfully possessed them. To avoid potential civil liability, law enforcement agencies should consult civil advisors on the issue of seizing drugs when possession is not criminal under H&S § 11376.5. The Los Angeles County district attorney’s office is proposing corrective legislation to address this issue.)

VC § 2814.1(d) (Amend) Vehicle inspection traffic checkpoints may not target only motorcycles.

VC § 23123.5(a) (Amend) Texting while driving is OK with a hands-free, voice-operated system.

VC § 23612(a)(1)(B) (Amend) In a DUI-drugs arrest, the driver no longer has a choice of urine testing, unless a blood test is not available.

VC § 26708.7 (Add) Peace officer vehicles are exempt from restrictions on window tinting.

W&I § 15630(b)(1)(A)(i), (ii) (Amend) Mandated reporter must make a telephoned report of suspected elder abuse with serious bodily injury in a long-term care facility to law enforcement immediately and not later than two hours and a written report must be made in two hours. If no serious bodily injury, phoned and written reports must be made within 24 hours.

For information on prosecutorial and law enforcement training offered by the Los Angeles County District Attorney’s Criminal Justice Institute, please visit <http://da.lacounty.gov/CJI>.

This information was current as of publication date. It is not intended as legal advice. It is recommended that readers check for subsequent developments and consult legal advisors to ensure currency after publication. Local policies and procedures regarding application should be observed.





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